

REMARKS

Claims 2-30 are pending in the application. Claims 22-30 have been withdrawn from consideration. Claims 2, 3, and 13 have been rejected. Claims 2-30 remain in the case for reconsideration. Reconsideration is requested. No new subject matter has been added.

Claim Rejections – Doctrine of Obviousness-Type Double Patenting

Claims 2-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-45 of U.S. Patent No. 6,684,148. A terminal disclaimer is provided with this Office Action response. Therefore, the rejection is moot.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 2, 3 and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by Murakami (U.S. Patent Application Publication No. US2002/0107111A1).

The rejection is respectfully traversed. However, claims 2 and 13 have been amended to further clarify the patentable subject matter of the invention. For example, claim 2 has been amended to include the limitations of allowable claim 7 and is therefore patentable for the same reasons as claim 7.

Claim 3 has been amended to include the limitations of original claim 2. Therefore, the scope of claim 3 has not been changed. Claim 3 specifies slipping a first clutch pack associated with a forward vehicle direction and slipping a second clutch pack associated with a reverse vehicle direction at the same time when the braking condition is indicated.

Claim 13 has been amended to include the processor monitoring an accelerator position and slipping both the first clutch pack and at the same time slipping the second clutch pack when the monitored accelerator position indicates a braking condition thereby distributing the breaking energy between both the first and second clutch pack. This is clearly shown in FIGS. 2-5.

There is no suggestion in Murakimi about slipping the first and second clutch pack at the same time as specified in claims 3 and 13. In fact Murakimi teaches away from slipping the first and second clutch pack at the same time. For example, at paragraphs 49 and 50, Murakimi states that breaking hydraulic pressure is only

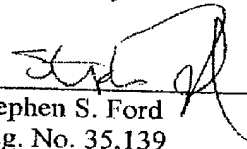
applied to one of the reverse hydraulic clutch 16 or the forward hydraulic clutch 15 at a time, not both at the same time as specified in claims 3 and 13.

Slipping both clutch packs at the same time as specified in claims 3 and 13 distribute energy during a braking condition between both the first and second clutch pack. Conversely, in Murakimi, one of the first or second clutch pack is locked during the braking condition thus preventing clutch pack slipping of both clutch packs and preventing distribution of braking energy between the two clutch packs.

The Examiner is also respectfully requested to initial the Information Disclosure Statement mailed on November 23, 2004.

For the foregoing reasons, reconsideration and allowance of claims 2-21 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,



Stephen S. Ford
Reg. No. 35,139

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613
Customer No. 20575